

diction, forfeit its charter and be subject to a penalty of not less than one thousand dollars and not more than ten thousand dollars, which penalty may be recovered in the same action brought to forfeit the charter.

Sec. 6.—The fact that there is now no law providing for securing data and statistics concerning corporations owning and operating gas, water, electric lights and street railways in this State creates an emergency and an imperative public necessity, requiring that the constitutional rule which provides that all bills shall be read on three several days, be suspended, and such rule is hereby suspended and it is so enacted.

#### TENTH DAY.

Senate Chamber.

Austin, Tex., Saturday, Jan. 21, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger presiding.

Roll call. No quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	McKamy.
Faulk.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	

Absent.

Faust.	Meachum.
Grinnan.	Stafford.
Hale.	Stokes.
Martin.	Willacy.

Absent—Excused.

Davidson.	Harper.
Decker.	Holland.

#### CALL OF THE SENATE.

There being no quorum present, Senator Hicks moved a call of the Senate for the purpose of securing and maintaining a quorum.

The motion being duly seconded, the Chair ordered the roll called, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	McKamy.
Faulk.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.

Hanger.	Stafford.
Harbison.	Stone.
Hawkins.	Terrell.

Absent.

Faust.	Meachum.
Grinnan.	Stokes.
Hale.	Willacy.
Martin.	

Absent—Excused.

Davidson.	Harper.
Decker.	Holland.

#### ABSENTEES—NOT EXCUSED.

Senators Faust, Grinnan, Hale, Harper, Martin, Stokes and Willacy.

The Chair ordered the Sergeant-at-Arms to bring in the absentees as soon as possible, or at least enough to make a quorum.

Senator Stokes being announced at the bar of the Senate, the Chair announced a quorum present.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Beaty the same was dispensed with.

#### STANDING COMMITTEE REPORTS.

(See appendix for reports of standing committees.)

#### BILLS AND RESOLUTIONS.

(Bills.)

By Senator Stone:

Senate bill No. 112, a bill to be entitled "An Act to amend Article 2939, Title LIII, of the Revised Civil Statutes of Texas of 1895, pertaining to legal holidays, by adding June the 3d as a legal holiday."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Looney and Hanger:

Senate bill No. 113, a bill to be entitled "An Act to amend Title XXII, Article 750, of the Revised Civil Statutes of Texas, relating to counter claims, providing that where the defendant pleads any counter claim, the plaintiff shall take notice thereof, and no citation thereon shall be necessary."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hicks:

Senate bill No. 114, a bill to be entitled "An Act to amend Article 785, Chapter 3, Title XVII, of the Penal Code of Texas."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hicks:

Senate bill No. 115, a bill to be entitled "An Act to amend Article 4218f,

Revised Civil Statutes of 1895, relating to the sale of school land."

Read first time, and referred to the Committee on Public Lands and Land Office.

#### SIMPLE RESOLUTION.

Senator Faulk offered the following resolution:

Whereas, The work and proceedings of the Senate have been and are now greatly delayed on account of the public printer failing to do his duty in printing bills according to contract made with him; and,

Whereas, Thereby the members of this body are unable to perform their duties with the people; therefore be it

Resolved by the Senate, That the public printer be requested and instructed to make known to the Senate, at once, in writing, his reasons for failing to print Senate bills sent him;

Second—That the printing board be requested to look into this matter and take such action in the premises as their investigation may justify;

Third—That said public printer be instructed to print the Senate bills at once now in his hands and return same to this body;

Fourth—That a copy of these resolutions be furnished by the Secretary of the Senate to the printing board and public printer.

FAULK.  
SMITH.

The resolution was adopted.  
(Senator Faulk in the chair.)

#### SIMPLE RESOLUTION—ACTION ON.

Senator Glasscock called up the resolution introduced by Senator Hicks on the second day of the session providing for the setting apart of two rooms on the third floor of the Capitol building, one opening into the Senate gallery, the other room adjoining the same on the west, with a hall between said rooms the same to be used by the Department of Public Health and Vital Statistics.

Senator Glasscock moved that the resolution be adopted, and

After some discussion on same, Senator Skinner moved that the resolution be recommitted, the motion being accepted by Senator Glasscock, the resolution was recommitted.

(President Pro Tem. Hanger in the chair.)

#### ADJOURNMENT.

Senator Smith moved that the Senate

adjourn till Monday morning at 10 o'clock, and

Senator Chambers moved that the Senate adjourn till Tuesday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn till Tuesday was lost.

Action then being on the motion to adjourn till Monday morning at 10 o'clock, the yeas and nays were called for, and the motion prevailed by the following vote:

#### Ayes—14.

Barrett.	Looney.
Brachfield.	McKamy.
Faulk.	Skinner.
Glasscock.	Smith.
Harbison.	Stafford.
Hawkins.	Stokes.
Hicks.	Stone.

#### Nays—4.

Beaty.	Hill.
Chambers.	Terrell.

#### Absent.

Faust.	Martin.
Griggs.	Paulus.
Grinnan.	Willacy.
Hale.	

#### Absent—Excused.

Davidson.	Holland.
Decker.	Meachum.
Harper.	

Accordingly the Senate, at 11:55 o'clock adjourned until Monday morning at 10 o'clock.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

(Judiciary No. 2.)

Committee Room.

Austin, Texas, January, 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 64, a bill to be entitled "An Act to amend Article 790, of Title VII, of the Code of Criminal Procedure of 1895, relating to confessions."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HANGER, Acting Chairman.  
Committee Room.

Austin, Texas, January, 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 80, a bill to be entitled "An Act to amend Articles 789 and 890, Chapter 7, Title VIII, Code of Criminal Procedure, in relation to confession of defendants."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, inasmuch as another bill embodying the same subject matter has been reported favorably.

HANGER, Acting Chairman.

Committee Room.

Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 62, a bill to be entitled "An Act to amend Article 34, of the Penal Code of Texas, permitting persons under the age of nine years to be punished with the offense of perjury."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HANGER, Acting Chairman.

Committee Room.

Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 57, a bill to be entitled "An Act to amend Article 950, of the Penal Code of the State of Texas, relating to the fraudulent disposition of mortgaged property."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HANGER, Acting Chairman.

Committee Room.

Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 94, a bill to be entitled "An Act making it a felony, punishable by confinement in the penitentiary, for any person directly, through an agent, or as agent for another, to keep or exhibit for the purpose of gambling, any table, bank, alley, machine or device whatsoever, or to rent or keep, to be interested in keeping any room, house or place to exhibit or keep any bank, table, alley, machine or device whatsoever, for the purpose of gaming, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass.

HANGER, Acting Chairman.

Committee Room.

Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 111, a bill to be entitled "An Act to provide for conditional pardons and paroles of convicts of the State Penitentiary."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, inasmuch as another bill embodying the same subject matter has been reported favorably.

HANGER, Acting Chairman.

Committee Room.

Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 11, a bill to be entitled "An Act to confer authority on the Penitentiary Board and Board of Pardons to issue parole to meritorious convicts and to make and establish rules and regulations and to carry the same into effect."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HANGER, Acting Chairman.

Committee Room.

Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 44, a bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Gray county, and to conform to the jurisdiction of the District Court thereof."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HANGER, Acting Chairman.

Committee Room.

Austin, Texas, January 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 65, a bill to be entitled "An Act prohibiting persons who have been granted a divorce from marrying for a period of five years, and penalty therefor."

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do not pass, inasmuch as another bill embodying the same subject matter has been reported favorably.

HANGER, Acting Chairman.  
Committee Room,

Austin, Texas, January 20, 1905.  
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 41, a bill to be entitled "An Act to amend Article 633, Penal Code, Criminal Statutes, making age of consent of females 18 instead of 15 years of age,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HANGER, Acting Chairman.  
Committee Room,

Austin, Texas, January 20, 1905.  
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 52, a bill to be entitled "An Act relating to the subject of 'barratry,' amending Article 290 of the Penal Code of the State of Texas, amended by the Twenty-seventh Legislature, under an act entitled 'An Act to amend Article 290 of the Penal Code of the State of Texas, to further define 'barratry' so as to include the fomenting of litigation by attorneys-at-law by soliciting employment or advancing money or other things of value to the parties to litigation in order to procure employment,' and amending Chapter 7, Title XXX of the Revised Statutes of Texas by adding thereto Article 1261a, providing that when any suit at law or equity is instituted in any court of this State wherein it is made to appear that any provision of Article 290 of the Penal Code of Texas, as amended, defining and punishing barratry, has been violated, such suit shall abate, with or without plea; and the attorney or attorneys or other person guilty of violating said law, shall be disabled from having any interest in the cause of action or further participating in any new suit that may be instituted; providing that the owner, innocent of such violation, shall not be prejudiced by the running of limitation pending the suit, and amending Title II, Article 263, Revised Civil Statutes of Texas, so that attorneys-at-law guilty of barratry may be suspended or his license revoked."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HANGER, Acting Chairman.

Committee Room,

Austin, Texas, January 20, 1905.  
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 72, a bill to be entitled "An Act to amend Title XVII, Chapter 17, of the Penal Code of the State of Texas, by adding thereto Article 950a, which article prohibits persons owning personal property upon which there is a landlord's lien from transporting the same out of the State, or disposing of same with intent to defraud the holder of the lien, and providing a penalty therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, inasmuch as another bill embodying the same subject matter has been reported favorably.

HANGER, Acting Chairman.

Committee Room,

Austin, Tex., Jan. 20, 1905.  
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 44, a bill to be entitled, "An Act to prohibit any person, firm or association of persons, agents or employees of such person, firm or association of persons who are engaged in the occupation or business or storing or keeping for others, spirituous, vinous or intoxicating liquors within any county, justice precinct, subdivision of a county, town or city within this State, wherein the sale of spirituous, vinous and intoxicating liquors has been prohibited according to law, from allowing any vinous, spirituous or intoxicating liquors to be drunk within said place of business, and providing a penalty therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HANGER, Acting Chairman.

Committee Room,

Austin, Tex., Jan. 20, 1905.  
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 97, a bill to be entitled, "An Act to amend Article 840 of the Code of Criminal Procedure of the State of Texas, relating to punishment of criminals convicted of different offenses,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass.

HANGER, Acting Chairman.

#### MAJORITY REPORT.

Committee Room,  
Austin, Tex., Jan. 20, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 60, a bill to be entitled, "An Act making it an offense punishable by fine and removal from office for any executive, legislative or judicial officer of the State, county, city or other municipal subdivision of the State to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the government of which such executive, legislative or judicial officer may be a member; prohibiting the payment of any such ineligible person out of any public funds, and providing for quo warranto proceedings to oust such offending official, and fixing the venue thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

Minor-  
HANGER, Acting Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, January 20, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 60, a bill to be entitled "An Act making it an offense punishable by fine and removal from office for any executive, legislative or judicial officer of the State, county, city or other municipal subdivision of the State, to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the government of which such executive, legislative or judicial officer may be a member; prohibiting the payment of any such ineligible person out of any public funds, and providing for quo warranto proceedings to oust such offending official, and fixing the venue thereof,"

Do not concur in the report of the majority and beg leave to report it

back to the Senate with the recommendation that it do pass.

LOONEY,  
McKAMY,  
STOKES.

Committee Room,  
Austin, Texas, January 21, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Asylums, to whom was referred

Senate bill No. 86, a bill to be entitled "An Act to amend Articles 146 and 152, Chapter 2, Title IX, of the Revised Statutes of the State of Texas, so as to provide for monthly meetings of the boards of trustees of the State asylums, and allow pay therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FAULK, Chairman.

#### STATE AFFAIRS.

Committee Room,  
Austin, Texas, January 20, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 43, a bill to be entitled "An Act relating to State and county finances, providing for a system of State and county depositories for State and county funds, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TERRELL, Acting Chairman.

#### MINING AND IRRIGATION.

Committee Room,  
Austin, Tex., Jan. 20, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 67, a bill to be entitled, "An Act to authorize the creation of drainage districts within the several counties and to make drainage improvements therein under the direction of the county commissioners court, and to issue bonds in payment thereof as authorized under the Constitution and provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GRIGGS, Acting Chairman.

## TOWN AND CITY CORPORATIONS.

Committee Room,

Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Town and City Corporations, to whom was referred

Senate bill No. 102, a bill to be entitled, "An Act to amend an act entitled, 'An Act to provide a charter for the city of Marshall, Harrison county, Texas, defining its boundaries, providing officers and prescribing their duties and powers, creating a corporation court and defining its powers and jurisdiction, and declaring an emergency,' approved March 23, 1903, by amending Section 1 of Article 4a of said act and adding thereto Sections 2 and 3, and by amending Sections 1, 4 and 5 of Article 6 of said act, and by adding thereto Sections 7, 8, 9, 10, 11 and 12, said sections relate to sidewalks and streets to taxation and the issuance of bonds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that the bill be not printed.

BEATY, Chairman.

Committee Room,

Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Town and City Corporations, to whom was referred

Senate bill No. 90, a bill to be entitled, "An Act to amend Article 386c, Title XVIII, Revised Civil Statutes of the State of Texas, as amended by the Acts of the Twenty-eighth Legislature, relating to invalidating certain incorporated cities and towns, and validating the incorporation of cities and towns of 1000 inhabitants or over, which have heretofore attempted to be made, under certain conditions."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

## ELEVENTH DAY.

Senate Chamber,

Austin, Tex., Monday, Jan. 23, 1905.

Senate met pursuant to adjournment. The President and President Pro Tem. being absent, the Senate was called to order by Secretary Clyde D. Smith.

Roll call. No quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Faulk.	Skinner.
Glasscock.	Smith.
Griggs.	Stokes.
Hale.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

Absent.

Decker.	McKamy.
Faust.	Paulus.
Grinnan.	Stafford.
Harper.	

Absent—Excused.

Davidson.	Hanger.
Holland.	Meachum.

Senator Smith moved a call of the Senate for the purpose of securing a quorum, the motion being duly seconded, and

The roll was called, the following answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	Skinner.
Faulk.	Smith.
Glasscock.	Stokes.
Griggs.	Stone.
Hale.	Terrell.
Harbison.	Willacy.
Hawkins.	

Absent.

Faust.	McKamy.
Grinnan.	Paulus.
Hanger.	Stafford.

Absent—Excused.

Davidson.	Holland.
Harper.	Meachum.

## ABSENTEES—NOT EXCUSED.

Senators Faust, Grinnan, Hanger, Harper, Martin, Paulus, Stafford.

Senators Chambers and Hale being announced at the bar of the Senate, the Chair announced a quorum present, and the call was, therefore, dismissed.

## PRESIDENT PRO TEM. AD INTERIM.

The election of a presiding officer being in order,

Senator Decker placed Senator Willacy in nomination as President Pro Tem. ad interim.